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Michael Zeleny

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL ZELANY,

Plaintiff,

vs.

EDMUND G. BROWN, Jr., *et al.*,

Defendants.

Case No. CV 17-7357 JCS

Assigned to:
The Honorable Richard G. Seeborg

Discovery Matters:
The Honorable Thomas S. Hixson

**STIPULATION TO MODIFY BRIEFING
SCHEDULE ON MOTION TO DISMISS**

[Proposed Order filed concurrently]

Action Filed: December 28, 2017
Trial Date: June 8, 2020

Plaintiff Michael Zeleny ("Plaintiff") and Defendant New Enterprise Associates
("Defendant") hereby stipulate as follows.

A. Recitals

1. Plaintiff filed a Second Amended Complaint in this action on August 30, 2019.
2. Defendant requested and Plaintiff granted an extension of time for Defendant to file a Motion to Dismiss. Defendant moved to dismiss the Second Amended Complaint on September 25, 2019.
3. The Motion to Dismiss involves significant, substantive issues.

4. Plaintiff's opposition to the Motion to Dismiss is currently due on October 9, 2019. Plaintiff's counsel currently have the following matters scheduled, which conflict with the opposition deadline: (a) a critical party deposition in a complex state court case; (b) four briefs due in unrelated matters in Los Angeles Superior Court on October 7, 2019; (c) a deposition set on October 10, 2019 in New Jersey; and (d) three substantive briefs due in a case pending the Central District of California on October 11.

5. Due to these scheduling conflicts, Plaintiffs counsel lack the time and resources needed to properly address the Motion to Dismiss by October 9, 2019.

6. Defendant's counsel has agreed to an extension of Plaintiff's opposition deadline by one-week, and has requested a modest, two-day extension of the corresponding reply deadline.

B. Stipulation.

Now, therefore, Plaintiff and Defendant agree and stipulate as follows:

7. That, subject to Court approval, the deadline for Plaintiff to oppose Defendant's Motion to Dismiss be extended to October 16, 2019, and that Defendant's reply deadline be extended to October 25, 2019.

8. The Parties jointly request that the Court enter an order, in the form submitted, modifying the schedule as provided above.

It is So Stipulated.

Dated: October 4, 2019

Respectfully submitted,

s/ Damion Robinson
Damion D. D. Robinson
Affeld Grivakes LLP
Attorneys for Plaintiff Michael Zeleny

Respectfully submitted,

s/ Roger A. Lane
Roger A. Lane
Foley & Lardner LLP

Attorneys for Defendant New Enterprise
Associates

1 I hereby certify that on October 4, 2019, I electronically filed the foregoing document
2 using the Court's CM/ECF system. I am informed and believe that the CM/ECF system will
3 send a notice of electronic filing to the interested parties.

4 /s/ Gabrielle Bruckner
5 Gabrielle Bruckner
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